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MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

5 FEBRUARY 2002

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, Belvin J. Jessup, Yvonne J. Johnson, Robert V. Perkins, Thomas M. Phillips, and Donald R. Vaughan. Absent: None. Also present were J. Edward Kitchen, City Manager; Linda A. Miles, City Attorney; and Juanita F. Cooper, City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The Manager recognized Doreen Harris, employee in the Fire Department, who served as courier for the meeting.

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The Mayor explained the Council procedure for conduct of the meeting.

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Mayor Holliday recognized Boy Scout Troop 160 from Centenary Methodist Church with Troop leaders Stan Speckhard and Haywood Ingram, and Boy Scout Troop 230 from Irvin Park United Methodist Church with Troop leaders Alex Golden and Paul Mengert, who were present in the Chamber to meet requirements for Citizenship in the Community Merit badges.

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Speaking to Greensboro's Sister City relationship with Moldova, Councilmember Carmany provided an update with respect to ongoing cultural, humanitarian and trade projects; she also detailed a future visit to Greensboro of a brass quartet who would perform in Greensboro and other North Carolina cities. Councilmember Carmany thereupon recognized and presented a Key to the City to the Doroshevich Family; she noted this family had recently immigrated to Greensboro from Moldova and spoke to the ongoing community efforts to assist the family in making their transition as easy as possible.

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Rick Francis and Rocco Scarfone, representing the Greensboro Generals, spoke to the importance of sports organizations (Greensboro Generals, Greensboro Prowlers and Greensboro Bats) to Greensboro and the surrounding communities. They detailed their organization's significant contributions and programs which benefited the area's citizenry, presented gifts to Council and requested Council's continued support.

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City Manager Kitchen advised that Governor Mike Easley had confirmed that the State of North Carolina's budget deficit was in excess of \$900 million; he added that the Governor had invoked emergency powers to address the State's budget shortfall by tapping state reserves and payments to local governments. The City Manager stated that in

addition to withholding from Greensboro the anticipated \$2.3 million in inventory tax reimbursements, the Governor would pull millions of dollars scheduled to go to North Carolina cities as their share of franchise, alcohol and other assorted taxes; he advised this could result in the loss of possibly as much as an additional \$7 million for Greensboro. The City Manager spoke to the devastating effect this action would have on North Carolina's local governments and detailed the serious financial impact this action would have on Greensboro. After Council discussed various opinions and concerns, the Manager advised he would consider taking administrative action to begin to deal with this situation. He also stated he would review this matter, work to develop recommendations to address the shortfall, and keep Council apprised of ongoing information and developments.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits located at 3216 Horse Pen Creek Road—9.62 acres. He thereupon introduced so these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning Conditional Use-Public and Institutional to City Zoning Conditional Use-Public and Institutional for all uses permitted in PI for property located on the south side of Horse Pen Creek Road between Gray Bluff Court and Piermont Drive (3216 Horse Pen Creek Road).

C. Thomas Martin, Planning Department Director, used a map to illustrate the property and surrounding area and stated that the annexation was the result of a utility agreement and annexation petition; Mr. Martin provided the following staff presentation:

REQUEST – ITEM 7

This request is to establish original zoning of property from County Zoning Conditional Use – Public and Institutional to City Zoning Conditional Use – Public and Institutional.

The Public and Institutional District is primarily intended to accommodate mid- and large-sized public, quasi-public, and institutional uses which have a substantial land use impact or traffic generation potential.

The existing Conditional Use – Public and Institutional District contains the conditions that are listed on the agenda and in the copy of the staff presentation:

- 1) Uses: All uses permitted in the PI District.
- 2) All exterior lighting will be directed toward interior of the property.
- 3) The maximum height of all buildings on the property, excluding the gymnasium, shall not exceed two stories.
- 4) All buildings on the property shall be of masonry construction.
- 5) Any trash compactor (dumpster) on the property shall be screened.
- 6) At the Horse Pen Creek Road/YMCA entrance, installation of a left turn lane on the east approach of Horse Pen Creek Road; installation of a right turn lane on the west approach of Horse Pen Creek Road; installation of separate left and right turn lanes at the proposed YMCA entrance; limiting access of the YMCA to one driveway connection to Horse Pen Creek Road.
- 7) At the Horse Pen Creek Road/Piermont Drive intersection, installation of a left turn lane on the west approach of Horse Pen Creek Road.
- 8) Relocation of the main drive to the existing school opposite Laurel Run Drive; construction of driveway access to Piermont Drive; and construction of a left turn lane on Horse Pen Creek Road when the next expansion of the school facility occurs.
- 9) Gates to be located at YMCA entrances from Horse Pen Creek Road and Piermont Road.
- 10) Placement of a privacy fence along property lines of adjoining Bass, Wyrick, and Barham properties in addition to the required planting yard.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) Uses: All uses permitted in the PI District.
- 2) All exterior lighting will be directed toward interior of the property.
- 3) The maximum height of all buildings on the property, excluding the gymnasium, shall not exceed two stories.
- 4) All buildings on the property shall be of masonry construction.

- 5) Any trash compactor (dumpster) on the property shall be screened.
- 6) At the Horse Pen Creek Road/YMCA entrance, installation of a left turn lane on the east approach of Horse Pen Creek Road; installation of a right turn lane on the west approach of Horse Pen Creek Road; installation of separate left and right turn lanes at the proposed YMCA entrance; limiting access of the YMCA to one driveway connection to Horse Pen Creek Road.
- 7) Gate to be located at YMCA entrance from Horse Pen Creek Road.
- 8) Placement of a privacy fence along eastern property line in addition to the required planting yard.

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 9.98 acres and is located on the south side of Horse Pen Creek Road between Gray Bluff Court and Piermont Drive.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	CU-PI	Spears Family YMCA building under construction
North	RS-40 CU-RS-20	Stonehaven Subdivision & single family dwelling Vacant land
East	RS-40	Single family dwellings
South	CU-PI	Vacant land
West	RS-40	Morehead United Methodist Church

Mr. Martin stated that this annexation and zoning request were supported by the Planning Department Staff, the Planning Board and the Zoning Commission; he provided a slide presentation of the property and surrounding area.

Mayor Holliday asked if anyone wished to speak to this matter.

There being no one present desiring to speak to this matter, Councilmember Vaughan moved to close the public hearing for both items. The motion was seconded by Councilmember Perkins and adopted unanimously by voice vote of Council.

Mr. Martin provided the following staff recommendation:

Item 7 – 3216 Horse Pen Creek Road

The Planning Department recommends that this original zoning proposal be approved.

The annexation of this property is the result of a Utility Agreement and Annexation Petition.

At its December 19, 2001 meeting the Planning Board unanimously recommended in favor of the annexation.

The Spears Family YMCA building is currently under construction.

A transportation impact study was performed for this property prior to the rezoning by Guilford County and all such impacts have been addressed with the proposed conditions.

The proposed Conditional Use – Public and Institutional classification reflects the same zoning with applicable conditions that were established by Guilford County for the YMCA property.

Councilmember Phillips moved adoption of the ordinance annexing territory to the corporate limits located at 3216 Horse Pen Creek Road—9.62 acres. The motion was seconded by Councilmember Vaughan; the motion was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-8 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 3216 HORSE PEN CREEK ROAD – 9.62 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at the northwest corner of Lot 1 of Harold Anderson Subdivision, recorded in Plat Book 64, Page 130 in the Office of the Register of Deeds of Guilford County; thence S 05° 29' 07" W 265.42 feet along the western line of said Lot 1 to the southwest corner of said Lot 1; thence S 06° 44' 11" W 341.31 feet along the western line of Lot 2 of Property of Harold Anderson and Others, recorded in Plat Book 102, Page 31 in the Office of the Register of Deeds; thence continuing along said western line S 06° 06' 34" W 191.98 feet to the southwest corner of said Lot 2; thence N 87° 40' 20" W 521.48 feet along the northern line of the Francis J. Stanley heirs, as recorded in Will Book 97-E 1834 in the Office of the Register of Deeds, to the northwest corner of Stanley heirs; thence N 12° 15' 08" E 25.77 feet to an existing iron pipe, a corner with Robert and Kim Hotchkiss; thence N 07° 32' 07" E 173.75 feet along Hotchkiss's eastern line to a point; thence N 03° 28' 53" E 94.51 feet along Hotchkiss's eastern line to a corner of Hotchkiss and Morehead United Methodist Church; thence continuing N 03° 28' 53" E 491.81 feet with the eastern line of Morehead United Methodist Church to a point in the southern right-of-way line of Horse Pen Creek Road (N.C.S.R. 2182); thence in an easterly direction along said right-of-way line approximately 545 feet to the point and place of BEGINNING, and containing approximately 9.62 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after April 30, 2002, the liability for municipal taxes for the 2001-2002 fiscal year shall be prorated on the basis of 2/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2002. Municipal ad valorem taxes for the 2002-2003 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after April 30, 2002.

(Signed) Thomas M. Phillips

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Councilmember Johnson moved that the ordinance establishing original zoning of this property to City Zoning Conditional Use-Public and Institutional be approved based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent in the proposed use of the property.
- 2) The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because adjacent property on two sides is zoned CU-PI or contains a church.

- 3) The location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because the CU-PI classification reflects the same zoning with applicable conditions established by Guilford County.

The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-9 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

SOUTH SIDE OF HORSE PEN CREEK ROAD BETWEEN GRAY BLUFF COURT AND PIERMONT DRIVE
(3216 HORSE PEN CREEK ROAD)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Conditional Use – Public and Institutional to City Zoning Conditional Use – Public and Institutional (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at the northwest corner of Lot 1 of Harold Anderson Subdivision, recorded in Plat Book 64, Page 130 in the Office of the Register of Deeds of Guilford County; thence S 05° 29' 07" W 265.42 feet along the western line of said Lot 1 to the southwest corner of said Lot 1; thence S 06° 44' 11" W 341.31 feet along the western line of Lot 2 of Property of Harold Anderson and Others, recorded in Plat Book 102, Page 31 in the Office of the Register of Deeds; thence continuing along said western line S 06° 06' 34" W 191.98 feet to the southwest corner of said Lot 2; thence N 87° 40' 20" W 521.48 feet along the northern line of the Francis J. Stanley heirs, as recorded in Will Book 97-E 1834 in the Office of the Register of Deeds, to the northwest corner of Stanley heirs; thence N 12° 15' 08" E 25.77 feet to an existing iron pipe, a corner with Robert and Kim Hotchkiss; thence N 07° 32' 07" E 173.75 feet along Hotchkiss's eastern line to a point; thence N 03° 28' 53" E 94.51 feet along Hotchkiss's eastern line to a corner of Hotchkiss and Morehead United Methodist Church; thence continuing N 03° 28' 53" E 491.81 feet with the eastern line of Morehead United Methodist Church to a point in the southern right-of-way line of Horse Pen Creek Road (N.C.S.R. 2182); thence in an easterly direction along said right-of-way line approximately 545 feet to the point and place of BEGINNING, and containing approximately 9.62 acres.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: All uses permitted in the PI District.
- 2) All exterior lighting will be directed toward interior of the property.
- 3) The maximum height of all buildings on the property, excluding the gymnasium, shall not exceed two stories.
- 4) All buildings on the property shall be of masonry construction.
- 5) Any trash compactor (dumpster) on the property shall be screened.
- 6) At the Horse Pen Creek Road/YMCA entrance, installation of a left turn lane on the east approach of Horse Pen Creek Road; installation of a right turn lane on the west approach of Horse Pen Creek Road; installation of separate left and right turn lanes at the proposed YMCA entrance; limiting access of the YMCA to one driveway connection to Horse Pen Creek Road.
- 7) Gate to be located at YMCA entrance from Horse Pen Creek Road.
- 8) Placement of a privacy fence along eastern property line in addition to the required planting yard.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective upon the date of annexation.

(Signed) Yvonne J. Johnson

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The Mayor stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits located at 3138 Horse Pen Creek Road—2.02 acres. He thereupon introduced so these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family to City Zoning RS-12 Residential Single Family for property located on the south side of Horse Pen Creek Road west of Piermont Drive (3238 Horse Pen Creek Road).

Mr. Martin, Planning Department Director, used a map to illustrate the property and surrounding area, stated that this annexation and zoning were supported by the Planning Department Staff, the Planning Board and the Zoning Commission, and advised the annexation was the result of a utility agreement and annexation petition. Mr. Martin provided a slide presentation of the property and surrounding area.

Mayor Holliday asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Vaughan moved to close the public hearing on both items. The motion was seconded by Councilmember Perkins and adopted unanimously by voice vote of Council.

Mr. Martin provided the following staff recommendation:

Item 9 – 3238 Horse Pen Creek Road

The Planning Department recommends that this original zoning proposal be approved.

The annexation of this property is the result of a Utility Agreement and Annexation Petition.

At its December 19, 2001 meeting the Planning Board unanimously recommended in favor of the annexation.

RS-40 is not intended to accommodate lots on public water and sewer and RS-12 is the typical residential single family zoning classification that is recommended for original City zoning for lots where public water and sewer is required or provided.

Councilmember Vaughan moved adoption of the ordinance annexing territory to the corporate limits located at 3238 Horse Pen Creek Road—2.02 acres. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-10 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 3238 HORSE PEN CREEK ROAD – 2.02 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at the northeast corner of Lot 3 of Property of Harold Anderson and Others, recorded in Plat Book 102, Page 31 in the Office of the Register of Deeds of Guilford County; thence N 82° 32' 38" W 153.54 feet along the southern right-of-way line of Horse Pen Creek Road (N.C.S.R. 2182) to the northwest corner of said Lot 3; thence with the western line of said Lot 3 the following three courses and distances: S 04° 57' 56" W 283.86 feet, N 85° 04' 42" W 120.05 feet, and S 04° 56' 53" W 224.52 feet to the southwest corner of said Lot 3; thence N 84° 30' E 120.95 feet along the southern line of said Lot 3 to a point; thence N 61° 28' 46" E 160.96 feet along the southeastern

line of said Lot 3 to a point; thence N 07° 55' 19" E 391.54 feet along the eastern line of said Lot 3 to the point and place of BEGINNING, and containing approximately 2.021 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after April 30, 2002, the liability for municipal taxes for the 2001-2002 fiscal year shall be prorated on the basis of 2/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2002. Municipal ad valorem taxes for the 2002-2003 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after April 30, 2002.

(Signed) Donald R. Vaughan

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Councilmember Perkins moved adoption of the ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family to City Zoning RS-12 Residential Single Family for property located on the south side of Horse Pen Creek Road west of Piermont Drive (3238 Horse Pen Creek Road). After Council voted, Councilmember Jessup stated that he had inadvertently not voted as he had intended. Councilmember Vaughan moved to instruct the Clerk to clear the board. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council. The ordinance was thereupon adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-11 AMENDING OFFICIAL ZONING MAP

SOUTH SIDE OF HORSE PEN CREEK ROAD WEST OF PIERMONT DRIVE (3238 HORSE PEN CREEK ROAD)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-40 Residential Single Family to City Zoning RS-12 Residential Single Family uses for the area described as follows:

BEGINNING at the northeast corner of Lot 3 of Property of Harold Anderson and Others, recorded in Plat Book 102, Page 31 in the Office of the Register of Deeds of Guilford County; thence N 82° 32' 38" W 153.54 feet along the southern right-of-way line of Horse Pen Creek Road (N.C.S.R. 2182) to the northwest corner of said Lot 3; thence with the western line of said Lot 3 the following three courses and distances: S 04° 57' 56" W 283.86 feet, N 85° 04' 42" W 120.05 feet, and S 04° 56' 53" W 224.52 feet to the southwest corner of said Lot 3; thence N 84° 30' E 120.95 feet along the southern line of said Lot 3 to a point; thence N 61° 28' 46" E 160.96 feet along the southeastern line of said Lot 3 to a point; thence N 07° 55' 19" E 391.54 feet along the eastern line of said Lot 3 to the point and place of BEGINNING, and containing approximately 2.021 acres.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Robert V. Perkins

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits located at 3326 Horse Pen Creek Road—1.49 acres. He thereupon introduced so these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family to City Zoning RS-12 Residential Single Family for property located on the south side of Horse Pen Creek Road west of Four Farms Road (3326 Horse Pen Creek Road).

Mr. Martin used a map to illustrate the property and surrounding area, stated that this annexation was the result of a utility agreement and annexation petition and stated the annexation and zoning were supported by the Planning Department Staff, the Planning Board and the Zoning Commission; he provided a slide presentation of the property and surrounding area.

Mayor Holliday asked if anyone wished to speak to these matters.

There being no one present desiring to speak to these matters, Councilmember Vaughan moved to close the public hearing for both items. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

Mr. Martin provided the following staff recommendation:

Item 11 – 3326 Horse Pen Creek Road

The Planning Department recommends that this original zoning proposal be approved.

The annexation of this property is the result of a Utility Agreement and Annexation Petition.

At its December 19, 2001 meeting the Planning Board unanimously recommended in favor of the annexation.

RS-40 is not intended to accommodate lots on public water and sewer and RS-12 is the typical residential single family zoning classification that is recommended for original City zoning for lots where public water and sewer is required or provided.

Councilmember Vaughan moved adoption of the ordinance annexing territory to the corporate limits located at 3326 Horse Pen Creek Road—1.49 acres. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-12 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 3326 HORSE PEN CREEK ROAD – 1.49 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at an existing iron pin in the southern margin of Horse Pen Creek Road, being a common corner with Bonnie C. Lewis per Deed Book 2133, Page 253, in the Office of the Register of Deeds of Guilford County; thence proceeding along the southern margin of said road N 62° 01' 58" W 224.78 feet to an existing iron pin, a common corner with Ronnie Breedlove per Deed Book 3980, Page 666, in the Office of the Register of Deeds; thence along Breedlove's line S 04° 24' 07" W 204.98 feet to an existing iron pin; thence along the line of Lot 1, recorded in Plat Book 105, Page 118 in the Office of the Register of Deeds, S 04° 23' 16" W 212.87 feet to an existing iron pin, a common corner with Martin J. Lawler per Deed Book 3468, Page 699, in the Office of the Register of Deeds; thence along Lawler's line N 87° 43' 52" E 194.24 feet to an existing iron pin, a common corner with James R. Mood; thence along Moody's line N 03° 55' 53" E 99.98 feet to an existing iron pin in the line of Bonnie C. Lewis; thence along a

common line with Lewis N 08° 15' 59" E 205.92 feet to the point and place of BEGINNING, and containing approximately 1.49 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after April 30, 2002, the liability for municipal taxes for the 2001-2002 fiscal year shall be prorated on the basis of 2/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2002. Municipal ad valorem taxes for the 2002-2003 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after April 30, 2002.

(Signed) Donald R. Vaughan

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Councilmember Carmany moved adoption of the ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family to City Zoning RS-12 Residential Single Family for property located on the south side of Horse Pen Creek Road west of Four Farms Road (3326 Horse Pen Creek Road). The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-13 AMENDING OFFICIAL ZONING MAP

SOUTH SIDE OF HORSE PEN CREEK ROAD WEST OF FOUR FARMS ROAD (3326 HORSE PEN CREEK ROAD)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-40 Residential Single Family to City Zoning RS-12 Residential Single Family uses for the area described as follows:

BEGINNING at an existing iron pin in the southern margin of Horse Pen Creek Road, being a common corner with Bonnie C. Lewis per Deed Book 2133, Page 253, in the Office of the Register of Deeds of Guilford County; thence proceeding along the southern margin of said road N 62° 01' 58" W 224.78 feet to an existing iron pin, a common corner with Ronnie Breedlove per Deed Book 3980, Page 666, in the Office of the Register of Deeds; thence along Breedlove's line S 04° 24' 07" W 204.98 feet to an existing iron pin; thence along the line of Lot 1, recorded in Plat Book 105, Page 118 in the Office of the Register of Deeds, S 04° 23' 16" W 212.87 feet to an existing iron pin, a common corner with Martin J. Lawler per Deed Book 3468, Page 699, in the Office of the Register of Deeds; thence along Lawler's line N 87° 43' 52" E 194.24 feet to an existing iron pin, a common corner with James R. Mood; thence along Moody's line N 03° 55' 53" E 99.98 feet to an existing iron pin in the line of Bonnie C. Lewis; thence along a common line with Lewis N 08° 15' 59" E 205.92 feet to the point and place of BEGINNING, and containing approximately 1.49 acres.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Sandy Carmany

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits located at 4801 Burlington Road (Highway 70 East)—18.05 acres. He thereupon introduced so these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning Agricultural, RS-30 Residential Single Family and Heavy Industrial to City Zoning Heavy Industrial for property located on the north side of Burlington Road (US Highway 70 East) west of McLeansville Road.

Mr. Martin, used a map to illustrate the property and surrounding area, stated the annexation was the result of a utility agreement and annexation petition, and provided the following staff presentation:

REQUEST – ITEM 13

This request is to rezone property from RS-9 Residential Single Family to Conditional Use – RM-8 Residential Multifamily.

The RS-9 District is primarily intended to accommodate single family detached dwellings at a density of 4.0 units per acre or less.

The RM-8 District is primarily intended to accommodate duplexes, townhouses, cluster housing, and similar residential uses at a density of 8.0 units per acre or less.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) Properties are for sale only and will be “owner occupied”.
- 2) Each unit will contain off-street “garage parking”.

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 0.68 acre and is located in the Fisher Park Historic District at the southeast intersection of Parkway and West Bessemer Avenue.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	RS-9	Vacant lot + single family dwelling
North	RS-9	4 single family dwellings
East	RS-9	2 single family dwellings
South	RM-8	Condominiums
West	RM-8	Condominiums

Mr. Martin stated that these items were supported by the Planning Department Staff, the Planning Board, and the Zoning Commission; he thereupon presented slides to illustrate the property and surrounding area.

Mayor Holliday asked if anyone wished to be heard.

There being no one present desiring to speak to these matters, Councilmember Burroughs-White moved to close the public hearing on these items. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

Mr. Martin provided the following staff recommendation:

Item 13 – 4801 Burlington Road

The Planning Department recommends that this original zoning be approved.

The annexation of this property is the result of a Utility Agreement and Annexation Petition.

At its December 19, 2001 meeting the Planning Board unanimously recommended in favor of the annexation.

This is the site of the Bo-Mac Lubricant plant and is southeast of the Osborne Waste Treatment Plant which is also zoned Heavy Industrial.

The South Buffalo Creek sewer outfall runs through the east side of this property.

The majority of this property is presently zoned Heavy Industrial by Guilford County and there is HI zoning to the north and west, in addition to Light Industrial zoning to the south of Burlington Road.

Some members of Council discussed concerns and different opinions with respect the impact the proposed HI zoning would have on agricultural property in the area and future development opportunities. In response to Council inquiry, Mr. Martin explained the staff process involved with the annexation and their recommended zoning for the property. He requested that if Council had concerns with regard to the proposed original zoning, he would request that Council approve the annexation and postpone the ordinance establishing original zoning to enable staff to review and bring additional recommendations to Council.

Councilmember Phillips moved adoption of the ordinance annexing territory to the corporate limits located at 4801 Burlington Road (Highway 70 East)—18.05 acres. The motion was seconded by Councilmember Gatten; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-14 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 4801 BURLINGTON ROAD (HIGHWAY 70 EAST) – 18.05 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point marking the center of the intersection of the Norfolk Southern railroad track with the former Four Mile Loop; thence along the centerline of the railroad track the following courses and distances: N 45° 00' E 142.98 feet, N 43° 27' E 467.70 feet, N 44° 33' E 99.66 feet, N 46° 51' E 100.67 feet, N 49° 25' E 103.20 feet, N 52° 03' E 103.56 feet, N 54° 49' E 106.96 feet, N 57° 34' E 110.50 feet, and N 59° 47' E 195.80 feet to a point in the center of the intersection of the railroad track with the former centerline of South Buffalo Creek; thence in a general southern direction with said former creek centerline, as it meandered, a total distance of 1,981 feet to the center point of the intersection of the former centerline of said creek and the former centerline of U.S. Highway 70-A; thence continuing with the former centerline of said creek, as it meandered, 132 feet to a point in the former creek centerline; thence N 70° 56' W 696.44 feet to the point and place of BEGINNING, and containing approximately 18.05 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall

receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after April 30, 2002, the liability for municipal taxes for the 2001-2002 fiscal year shall be prorated on the basis of 2/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2002. Municipal ad valorem taxes for the 2002-2003 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after April 30, 2002.

(Signed) Thomas M. Phillips

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In keeping with earlier Council discussion and Mr. Martin's request, Councilmember Perkins moved that the ordinance establishing original zoning classification from County Zoning Agricultural, RS-30 Residential Single Family and Heavy Industrial to City Zoning Heavy Industrial for property located on the north side of Burlington Road (US Highway 70 East) west of McLeansville Road be continued to the March 5, 2002 meeting of Council without further advertising. The motion was seconded by Councilmember Johnson and adopted unanimously by Council.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits located west of Rehobeth Church Road and north of Interstate 85 Bypass—46.607 acres. He thereupon introduced so these matters could be discussed together, an ordinance establishing original zoning classification from County RS-7 Residential Single Family to City Zoning RS-7 Residential Single Family for property located on the west side of Rehobeth Church Road north of Interstate 85 Bypass and east of US Highway 220, and an ordinance establishing original zoning classification from County Zoning RS-7 Residential Single Family to City Zoning Conditional Use-RM-8 Residential Multifamily for multifamily attached townhouses for sale for property located on the west side of Rehobeth Church Road north of Interstate 85 Bypass and east of US Highway 220.

Mr. Martin used a map to illustrate the property and surrounding area and provided the following staff presentation:

REQUEST – ITEM 16

This request is to establish original zoning of property from County Zoning RS-7 Residential Single Family to City Zoning Conditional Use – RM-8 Residential Multifamily.

The RS-7 District is primarily intended to accommodate single family detached dwellings at a density of 5.0 units per acre or less.

The RM-8 District is primarily intended to accommodate duplexes, townhouses, cluster housing and similar residential uses at a density of 8.0 units per acre or less.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1)Uses: Multifamily attached townhouses for sale.
- 2) Number of units will be limited to 125.

3) Area between tributary(s) and the right-of-way(s) of I-85 Bypass and US 220 is to remain as an undisturbed buffer (see exhibit).

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 18.3 acres and is located on the west side of Rehobeth Church Road north of Interstate 85 Bypass and east of US Highway 220.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	RS-7	2 single family dwellings
North	RS-7	Vacant (property in Item G)
East	RS-30	Living Way Christian Fellowship Church
South	RS-30	Urban Loop
West	RS-30	Urban Loop/US 220 interchange

Mr. Martin stated the items had the unanimous recommendation of the Planning Department and Zoning Commission; he thereupon presented slides of the property and surrounding area.

Mayor Holliday asked if anyone wished to be heard and administered the oath to those individuals who wished to speak these matters.

Gary Johnson, Builders Land, Inc., 1719 King, NC, spoke to the proposed development and efforts to maintain trees on the property; he spoke to meetings with area neighbors and advised that the developer had addressed neighborhood concerns.

There being no one else desiring to speak, Councilmember Burroughs-White moved to close the public hearing for the three items. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council.

Mr. Martin provided the following staff recommendation:

Item 16 – Rehobeth Church Road (CU-RM-8)

The Planning Department recommends that this original zoning be approved.

The 125 townhouse units are expected to produce approximately 786 total trips per day and, under the existing RS-7, 113 detached lots would be expected to produce approximately 1,161 total trips per day.

No transportation impacts are anticipated since the number of trips under the proposed zoning is less than under the current zoning.

Staff feels that the proposed development of this property for townhouses is a reasonable use given the proximity to the Nugget Ridge and Glendale Forest townhouses, and the Timbercreek Apartments to the north.

Furthermore, this property abuts the northeast portion of the Urban Loop/US 220 interchange and is located opposite two churches.

Therefore, staff feels that the proposed development will be compatible with surrounding and nearby land uses.

After brief discussion by Council, Councilmember Phillips moved adoption of the ordinance annexing territory to the corporate limits located west of Rehobeth Church Road and north of Interstate 85 Bypass—46.607 acres. The

motion was seconded by Councilmember Gatten; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-15 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED WEST OF REHOBETH CHURCH ROAD AND NORTH OF INTERSTATE 85 BYPASS – 46.607 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at an existing iron pipe in the western right-of-way line of Rehobeth Church Road (N.C.S.R. 1115), said iron stake being the southeast corner of the G. N. Bishop property described in Deed Book 2339, Page 397, Guilford County Registry; thence on a continuous clockwise curve to the right, having a chord bearing and distance of S 14° 37' 45" W 201.08 feet (said curve having a radius of 1,124.70 feet and an arc distance of 201.35 feet) to a point; thence S 19° 45' 09" W 208.34 feet to a point; thence on a continuous, counterclockwise curve to the left, having a chord bearing and distance of S 17° 47' 51" W 208.65 feet (said curve having a radius of 3,058.34 feet and an arc distance of 208.69 feet) to a point; thence S 15° 50' 34" W 373.91 feet to a right-of-way disk; thence N 74° 09' 26" W 52.0 feet a monument; thence S 15° 50' 34" W 211.34 feet to an iron stake; thence N 78° 42' 42" W 212.87 feet to a point; thence S 09° 14' 08" W 44.64 feet to a point in the northern right-of-way line of the I-85 Greensboro Bypass; thence with the right-of-way line of the off ramp from the I-85 Bypass to US Highway 220 the following eight calls and distances: N 81° 34' 00" W 244.58 feet to a highway monument, N 77° 57' 17" W 236.32 feet to a highway monument, on a continuous clockwise curve to the right, having a chord bearing and distance of N 63° 25' 48" W 434.99 feet (said curve having a radius of 1,213.90 feet and an arc distance of 437.35 feet) to a highway monument, on a continuous clockwise curve to the right, having a chord bearing and distance of N 49° 53' 04" W 192.31 feet [said curve having an arc distance of 192.96 feet (spiral)] to a point, on a continuous clockwise curve to the right, having a chord bearing and distance of N 47° 47' 40" W 44.46 feet [said curve having an arc distance of 44.46 feet (spiral)] to a point, N 47° 44' 14" W 311.09 feet, on a continuous clockwise curve to the right, having a chord bearing and distance of N 45° 31' 07" W 184.92 feet [said curve having an arc distance of 185.04 feet (spiral)] to a point, and on a continuous clockwise curve to the right, having a chord bearing and distance of N 26° 16' 47" W 363.43 feet (said curve having a radius of 721.78 feet and an arc distance of 367.39 feet) to a right-of-way disk in the eastern right-of-way line of US Highway 220; thence with said eastern right-of-way line on a continuous, counterclockwise curve to the left, having a chord bearing and distance of N 07° 07' 09" E 359.48 feet (said curve having a radius of 4,483.23 feet and an arc distance of 359.58 feet) to an iron stake, said iron stake being the southwest corner of the Nugget Ridge Association, Inc. property described in Plat Book 72, Page 286, Guilford County Registry; thence with the southern boundary line of said subdivision S 83° 58' 09" E 530.24 feet to an existing iron stake in the western boundary of the Timbercreek Apartments, described in Plat Book 83, Page 75, Guilford County Registry; thence with the western boundary of the said apartments S 01° 47' 21" W 112.89 feet to an existing axle, said axle being the southwest corner of said apartments; thence with the southern boundary of the said apartments the following three calls and distances: S 84° 30' 30" E 495.89 feet to an existing iron pipe, S 84° 55' 39" E 41.77 feet to a point, and S 84° 54' 39" E 600.00 feet to an existing iron pipe, being the southwest corner of the aforesaid G. N. Bishop property; thence with the southern boundary of the said Bishop property S 85° 00' 20" E 476.46 feet to the point and place of BEGINNING, and containing 46.607 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after April 30, 2002, the liability for municipal taxes for the 2001-2002 fiscal year shall be prorated on the basis of 2/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2002. Municipal ad valorem taxes for the 2002-2003 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after April 30, 2002.

(Signed) Thomas M. Phillips

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Councilmember Phillips moved adoption of the ordinance establishing original zoning from County RS-7 Residential Single Family to City Zoning RS-7 Residential Single Family for property located on the west side of Rehobeth Church Road north of Interstate 85 Bypass and east of US Highway 220. The motion was seconded by Councilmember Gatten; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-16 AMENDING OFFICIAL ZONING MAP

WEST SIDE OF REHOBETH CHURCH ROAD NORTH OF INTERSTATE 85 BYPASS AND EAST OF US HIGHWAY 220

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-7 Residential Single Family to City Zoning RS-7 Residential Single Family uses for the area described as follows:

BEGINNING at an existing iron pipe in the western right-of-way line of Rehobeth Church Road (N.C.S.R. 1115), said iron stake being the southeast corner of the G. N. Bishop property described in Deed Book 2339, Page 397, Guilford County Registry; thence on a continuous clockwise curve to the right, having a chord bearing and distance of S 14° 37' 45" W 201.08 feet (said curve having a radius of 1,124.70 feet and an arc distance of 201.35 feet) to a point; thence S 19° 45' 09" W 208.34 feet to a point; thence on a continuous, counterclockwise curve to the left, having a chord bearing and distance of S 17° 47' 51" W 208.65 feet (said curve having a radius of 3,058.34 feet and an arc distance of 208.69 feet) to a point; thence leaving the western right-of-way line of Rehobeth Church Road N83°43'44"W 342.18 feet to a point; thence N88°59'14"W 444.00 feet to a point; thence N65°04'50"W 235.49 feet to a point; thence N53°20'57"W 43.17 feet to a point; thence S35°25'59"W 347.63 feet to a point; thence N52°53'34"W 497.51 feet to a point; thence N27°16'28W 164.88 feet to a point; thence N15°11'01"W 142.04 feet to a point; thence N45°15'07"W 228.23 feet to a point; thence N06°55'10"E 175.35 feet to a point; thence N56°44'37"E 34.58 feet to a point; thence S48°27'04"E 136.73 feet to a point; thence along a curve to the right a chord course and distance N77°07'10"E 69.80 feet (radius = 60.00 feet) to a point; thence N20°05'31"E 96.56 feet to a point; thence S85°30'43"E 237.64 feet to a point in the western boundary of the Timbercreek Apartments; thence with the western boundary of the Timbercreek Apartments described in Plat Book 83, Page 75 S 01° 47' 21" W 66.77 feet to an existing axle, said axle being the southwest corner of said apartments; thence with the southern boundary of the said apartments the following three calls and distances: S 84° 30' 30" E 495.89 feet to an existing iron pipe, S 84° 55' 39" E 41.77 feet to a point, and S 84° 54' 39" E 600.00 feet to an existing iron pipe, being the southwest corner of the aforesaid G. N. Bishop property; thence with the southern boundary of the said Bishop property S 85° 00' 20" E 476.46 feet to the point and place of BEGINNING, and containing 28.333 acres.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Thomas M. Phillips

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Councilmember Phillips moved that the ordinance establishing original zoning classification from County Zoning RS-7 Residential Single Family to City Zoning Conditional Use-RM 8 Residential Multifamily for multifamily

attached townhouses for sale for property located on the west side of Rehobeth Church Road north of Interstate 85 Bypass and east of US Highway 220 be adopted based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent in the proposed use of the property.
- 2) The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because the surrounding property is either owned by the applicant or abuts the urban loop or other street right-of-way.
- 3) The location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because this property is in close proximity to two townhouse developments, one apartment development and is located opposite two large churches.

The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-17 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

WEST SIDE OF REHOBETH CHURCH ROAD NORTH OF INTERSTATE 85 BYPASS AND EAST OF US HIGHWAY 220

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-7 Residential Single Family to City Zoning Conditional Use – RM-8 Residential Multifamily (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at an existing iron pipe in the western right-of-way line of Rehobeth Church Road (N.C.S.R. 1115), said iron stake being the southeast corner of the G. N. Bishop property described in Deed Book 2339, Page 397, Guilford County Registry; thence on a continuous clockwise curve to the right, having a chord bearing and distance of S 14° 37' 45" W 201.08 feet (said curve having a radius of 1,124.70 feet and an arc distance of 201.35 feet) to a point; thence S 19° 45' 09" W 208.34 feet to a point; thence on a continuous, counterclockwise curve to the left, having a chord bearing and distance of S 17° 47' 51" W 208.65 feet (said curve having a radius of 3,058.34 feet and an arc distance of 208.69 feet) to a new point of BEGINNING; thence S 15° 50' 34" W 373.91 feet to a right-of-way disk; thence N 74° 09' 26" W 52.0 feet to a monument; thence S 15° 50' 34" W 211.34 feet to an iron stake; thence N 78° 42' 42" W 212.87 feet to a point; thence S 09° 14' 08" W 44.64 feet to a point in the northern right-of-way line of the I-85 Greensboro Bypass; thence with the right-of-way line of the off ramp from the I-85 Bypass to US Highway 220 the following eight calls and distances: N 81° 34' 00" W 244.58 feet to a highway monument, N 77° 57' 17" W 236.32 feet to a highway monument, on a continuous clockwise curve to the right, having a chord bearing and distance of N 63° 25' 48" W 434.99 feet (said curve having a radius of 1,213.90 feet and an arc distance of 437.35 feet) to a highway monument, on a continuous clockwise curve to the right, having a chord bearing and distance of N 49° 53' 04" W 192.31 feet [said curve having an arc distance of 192.96 feet (spiral)] to a point, on a continuous clockwise curve to the right, having a chord bearing and distance of N 47° 47' 40" W 44.46 feet [said curve having an arc distance of 44.46 feet (spiral)] to a point, N 47° 44' 14" W 311.09 feet, on a continuous clockwise curve to the right, having a chord bearing and distance of N 45° 31' 07" W 184.92 feet [said curve having an arc distance of 185.04 feet (spiral)] to a point, and on a continuous clockwise curve to the right, having a chord bearing and distance of N 26° 16' 47" W 363.43 feet (said curve having a radius of 721.78 feet and an arc distance of 367.39 feet) to a right-of-way disk in the eastern right-of-way line of US Highway 220; thence with said eastern right-of-way line on a continuous, counterclockwise curve to the left, having a chord bearing and distance of N 07° 07' 09" E 359.48 feet (said curve having a radius of 4,483.23 feet and an arc distance of 359.58 feet) to an iron stake, said iron stake being the southwest corner of the Nugget Ridge

Association, Inc. property described in Plat Book 72, Page 286, Guilford County Registry; thence with the southern boundary line of said subdivision S 83° 58' 09" E 530.24 feet to an existing iron stake in the western boundary of the Timbercreek Apartments, described in Plat Book 83, Page 75, Guilford County Registry; thence with the western boundary of the said apartments S 01° 47' 21" W 46.12 feet to a point; thence N85°30'43"W 237.64 feet to a point; thence S20°05'31"W 96.56 feet to a point; thence along a curve to the left a chord course and distance S77°07'10"W 69.80 feet (radius = 60.00 feet) to a point; thence N48°27'04"W 136.73 feet to a point; thence S56°44'37"W 34.58 feet to a point; thence S06°55'10"W 175.35 feet to a point; thence S45°15'07"E 228.23 feet to a point; thence S15°11'01"E 142.04 feet to a point; thence S27°16'28"E 164.88 feet to a point; thence S52°53'34"E 497.51 feet to a point; thence N35°25'59"E 347.63 feet to a point; thence S53°20'57"E 43.17 feet to a point; thence S65°04'50"E 235.49 feet to a point; thence S88°59'14"E 444.00 feet to a point; thence S83°43'44"E 342.18 feet to the point and place of the new BEGINNING, and containing 18.274 acres.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: Multifamily attached townhouses for sale.
- 2) Number of units will be limited to 125.
- 3) Area between tributary(s) and the right-of-way(s) of I-85 Bypass and US 220 is to remain as an undisturbed buffer (see exhibit).

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective upon the date of annexation.

(Signed) Thomas M. Phillips

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance establishing original zoning classification from County Zoning RM-12 Residential Multifamily to City Zoning RM-12 Residential Multifamily for property located on the north side of McKnight Mill Road between Sixteenth Street and Windhill Court.

Advising that this property had not been annexed, Mr. Martin requested Council to continue the item to the March 5 Council meeting so the annexation could be advertised and placed on that agenda.

Councilmember Johnson moved that the ordinance be continued to the March 5, 2002 Council meeting without further advertising. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council.

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The Mayor stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RS-12 Residential Single Family to Conditional Use-RM-5 Residential Multifamily for all single family attached and detached residential uses permitted under RM-5 for property located south of Arcadia Drive, south of the Terminus of Buckhorn Drive, south and east of the termini of Gretchen Lane and west of Woodbrook Drive. Mayor Holliday administered the oath to those individuals who wished to speak to this item.

Mr. Martin used a map to illustrate the property and surrounding area and provided the following staff presentation:

REQUEST – ITEM 18

This request is to rezone property from RS-12 Residential Single Family to Conditional Use – RM-5 Residential Multifamily.

The RS-12 District is primarily intended to accommodate single family detached dwellings at a density of 3.0 units per acre or less.

The RM-5 District is primarily intended to accommodate duplexes, townhouses, cluster housing and similar residential uses at a density of 5.0 units per acre or less.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) All single family attached and detached residential uses (including townhomes, duplexes and “villa” type homes) permitted under the RM-5 zoning district.
- 2) The total number of dwelling units, including the existing single family residence, shall not exceed 53.
- 3) The existing single family home and pond on the eastern portion of the property shall be preserved. Furthermore, the Developer shall post conspicuous signs prohibiting recreational use of the pond on its pond frontage.
- 4) No dwelling units shall be built upon the southernmost portion of the property lying to the south of the existing sanitary sewer line and stream, which flows generally east to west. The Developer/homeowner’s association shall be responsible for maintenance of this area.
- 5) All homes, except the existing single family home, shall be offered for sale to the public.
- 6) There shall be no trash compactor and no dumpster located on the property other than for the purpose of collecting and removing construction debris.
- 7) Building construction shall consist of wood frame material with brick accents.
- 8) No building shall exceed one story in height as viewed from the front of the building. However, buildings may include two stories of finished living space such as a finished attic, loft or other similar type of living space including windows. The existing single family home and lot shall be exempt from this restriction.
- 9) There shall be no public street connection to Arcadia Drive at its intersection with Rustic Road. The existing driveway access for the existing single family home shall be maintained.
- 10) The developer shall control stormwater run-off from built-upon areas on the site through the use of a stormwater detention pond(s) or other best management practices meeting performance standards set forth in the City of Greensboro Watershed Protection regulations as of the date of the approval of this application.
- 11) The stormwater pond(s) and outfall will be located so that the piped outflow from the pond will be directed into the existing streams on the property, not onto any adjoining property.
- 12) The developer shall maintain a buffer, i.e. an area free from impervious construction (with the exception of water dependant structures, street closings and necessary utility construction as allowed in the applicable ordinance) a minimum of thirty feet (30’) from the existing perennial stream(s) on the property. The entire property, including the area to be subdivided and retained by the owner of the existing single family home, shall be used in watershed and built upon area calculations.
- 13) The developer will provide sidewalks along all internal streets upon which buildings front and along one side of all other internal streets.
- 14) The developer shall provide a continuous landscape buffer between the proposed homes and the existing single family homes from Buckhorn Road, in a clockwise direction, to a point approximately 250’ south of the westernmost corner of the existing pond. The landscape buffer shall be at double the size and double the required planting rate required by the Type C buffer yard.
- 15) All street and other lighting shall be in harmony with the buildings constructed therein and shall be sufficient to provide adequate security for the inhabitants without disturbing adjoining property owners. Street lights shall be “lantern” type with light directed generally downward.
- 16) No building (excluding patios and decks) shall be built within 100’ of the existing pond.

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 23.5 acres and is located south of Arcadia Drive, south of the terminus of Buckhorn Drive, south and east of the termini of Gretchen Lane, and west of Woodbrook Drive.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	RS-12	Single family dwelling & vacant land
North	RS-15	4 single family dwellings
East	RS-12	Approximately 11 single family dwellings
South	RS-12 CU-GO-M	Vacant land Northern portion of Friends Homes West
West	RS-12	Approximately 10 single family dwellings

Mr. Martin stated that the Planning Department and Zoning Commission had recommended approval of the rezoning; he thereupon presented slides of the property and surrounding area.

Mayor Holliday asked if anyone wished to speak to this item.

Henry Isaacson, Attorney with offices at 101 West Friendly Avenue and representing Portrait Homes and Samuel Coble, owner of the property, requested Council to amend Condition #16 to change 50' to 100'; the amended condition would read as follows: *No building (excluding patios and decks) shall be built within 100' of the existing pond.* Councilmember Vaughan moved that the ordinance be amended as requested by Mr. Isaacson. The motion was seconded by Councilmember Perkins and adopted unanimously by voice vote of Council.

Mr. Isaacson provided a history of the property, spoke to permitted uses under the existing zoning and detailed various development options available to the property owner that would require no zoning changes. He spoke to the property owner's desire to have the property developed as proposed in the ordinance which would enable him to remain in his current residence; Mr. Isaacson stated this property use would be the least intensive and most controllable, would not injure the property values in the area and would not be harmful to the area. He described the development, outlined the conditions contained in the proposed ordinance and spoke to meetings with neighbors which had resulted in new and modified conditions.

Bryan Coble, residing at 927 Woodbrook Drive, spoke in opposition to the rezoning. He offered his thoughts about the proposed zoning, stated he believed this to be spot zoning that would set a precedent for future requests, noted that he believed zoning classifications were important to people who wanted to purchase property in the area, and added that he believed the rezoning would have a negative impact on property values in the area. Mr. Coble expressed concern with regard to liability issues related to the pond at this location owned by adjoining property owners, the future maintenance of the pond, the negative impact this development would have on the pond, and concerns for future Greensboro water resources with continued development.

Speaking during the rebuttal period, Gloria Arnold, residing at 923 Woodbrook Drive, expressed opposition to the rezoning. She detailed the ownership of the pond, spoke to its current maintenance by the Homeowners' Association, and expressed concern with the future of the pond in terms of liability, maintenance, use, etc.

In response to Council inquiry, the City Attorney advised circumstances related to the pond were a private matter and not a part of the zoning issue being considered by Council.

Councilmember Vaughan moved to close the public hearing. The motion was seconded by Councilmember Perkins and adopted unanimously by voice vote of Council.

Mr. Martin provided the following staff recommendation:

Item 18 – Arcadia Drive

The Planning Department recommends that this request be approved.

Although not required, a modified Transportation Impact Study has been prepared which concluded that the number of trips generated by the proposed development will be significantly decreased in relation to what could be theoretically generated under the current single family zoning.

Overall, the proposed development would add only a minor amount of traffic to the surrounding street network which will be able to adequately accommodate the increase in vehicular trips.

By ordinance, the developer will be required to extend and connect, as a public street, the two ends of Gretchen Lane and extend Buckhorn Road as a public street to connect with Gretchen Lane.

If the existing single family house is retained, then Arcadia Drive will not be required to be extended through this property.

If the existing house is relocated or removed from this property, then the two ends of Arcadia Drive will be required to be connected as a public street.

The ordinance will require the construction of sidewalks along one side of all public streets within this development.

The density of the proposed development is approximately 2.3 units per acre whereas RS-12 theoretically has a density of 3.0 units per acre.

Staff feels that a townhouse development at this density is compatible with surrounding single family detached dwellings.

Staff feels that this is a reasonable request, especially in light of Planning Department objectives for encouraging compact urban development that promotes a diversity of housing types, an efficient use of land, and the control of urban sprawl by promoting infill types of development.

Council briefly discussed the proposed rezoning, the future of Greensboro's water resources and opinions with respect to Greensboro's future growth and development.

Councilmember Gatten moved adoption of the ordinance, as amended, rezoning from RS-12 Residential Single Family to Conditional Use-RM-5 Residential Multifamily for property located south of Arcadia Drive, south of the terminus of Buckhorn Drive, south and east of the termini of Gretchen Lane and west of Woodbrook Drive based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent in the proposed residential use of the property.
- 2) The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because the proposed density for the entire tract is less than the theoretical density of the current zoning and numerous conditions have been included to help insure neighborhood compatibility.
- 3) The location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because this is a reasonable request in light of objectives for encouraging compact urban development that promotes a diversity of housing types, an efficient use of land, and the control of urban sprawl by promoting infill types of development.

The motion was seconded by Councilmember Johnson; the amended ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-18 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

SOUTH OF ARCADIA DRIVE, SOUTH OF THE TERMINUS OF BUCKHORN DRIVE, SOUTH AND EAST OF THE TERMINI OF GRETCHEN LANE, AND WEST OF WOODBROOK DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from RS-12 Residential Single Family to Conditional Use – RM-5 Residential Multifamily (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the southeastern corner of Lot 13, Northwood Subdivision as recorded in Plat Book 21, Page 13 in the Office of the Guilford County Register of Deeds, said point also being in the southern right-of-way line of Rustic Road/Arcadia Drive; thence along said southern right-of-way line S42°32'01"E 170.79 feet to a point; thence along the western line of Lot 1 and Lot 8 of Arcadia Subdivision as recorded in Plat Book 22, Page 71 S00°38'03"W 434.24 feet to a point within the lake; thence along the western line of Lots 8, 9, 10, and 11 of the said Arcadia Subdivision S47°55'29"W 364.08 feet to a point; thence along the western line of Lots 11, 12, and 38 of the said Arcadia Subdivision S00°55'29"W 298.85 feet to a point in the northwestern corner of Lot 39; thence along the northern line of Friends Homes, Inc. as recorded in Plat Book 103, Page 29 N67°36'08"W 576.60 feet to a point; thence S66°14'12"W 488.22 feet to a point in the southeastern corner of Lot 32 of the Marelee Subdivision, Section 2 as recorded in Plat Book 103, Page 29; thence along the northern line of said Lot 32 and Lot 66 as recorded in Plat Book 49, Page 65 N25°06'48"W 398.52 feet to a point in the northeastern corner of Lot 66; thence along a dedicated flood plain and open space area as recorded in Plat Book 49, Page 65 N65°00'19"E 178.67 feet to a point; thence N45°00'00"E 181.04 feet to a point in the southwestern corner of Lot 7 of Marelee Subdivision, Section 1 as recorded in Plat Book 47, Page 58; thence continuing along the southern line of Marelee Subdivision, Section 1, Lots 1-7 N45°00'00"E 807.07 feet to a point in the eastern right-of-way line of Gretchen Lane; thence along said eastern right-of-way line N01°29'09"E 60.85 feet to a point; thence along the southern line of Lot 12 of the Fernwood Park Subdivision as recorded in Plat Book 41, Page 13 S88°42'23"E 151.27 feet to a point; thence S87°37'59"E 305.06 feet to the point and place of BEGINNING, containing 23.469 acres more or less.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) All single family attached and detached residential uses (including townhomes, duplexes and "villa" type homes) permitted under the RM-5 zoning district.
- 2) The total number of dwelling units, including the existing single family residence, shall not exceed 53.
- 3) The existing single family home and pond on the eastern portion of the property shall be preserved. Furthermore, the Developer shall post conspicuous signs prohibiting recreational use of the pond on its pond frontage.
- 4) No dwelling units shall be built upon the southernmost portion of the property lying to the south of the existing sanitary sewer line and stream, which flows generally east to west. The Developer/homeowner's association shall be responsible for maintenance of this area.
- 5) All homes, except the existing single family home, shall be offered for sale to the public.
- 6) There shall be no trash compactor and no dumpster located on the property other than for the purpose of collecting and removing construction debris.
- 7) Building construction shall consist of wood frame material with brick accents.
- 8) No building shall exceed one story in height as viewed from the front of the building. However, buildings may include two stories of finished living space such as a finished attic, loft or other similar type of living space including windows. The existing single family home and lot shall be exempt from this restriction.
- 9) There shall be no public street connection to Arcadia Drive at its intersection with Rustic Road. The existing driveway access for the existing single family home shall be maintained.

- 10) The developer shall control stormwater run-off from built-upon areas on the site through the use of a stormwater detention pond(s) or other best management practices meeting performance standards set forth in the City of Greensboro Watershed Protection regulations as of the date of the approval of this application.
- 11) The stormwater pond(s) and outfall will be located so that the piped outflow from the pond will be directed into the existing streams on the property, not onto any adjoining property.
- 12) The developer shall maintain a buffer, i.e. an area free from impervious construction (with the exception of water dependant structures, street closings and necessary utility construction as allowed in the applicable ordinance) a minimum of thirty feet (30') from the existing perennial stream(s) on the property. The entire property, including the area to be subdivided and retained by the owner of the existing single family home, shall be used in watershed and built upon area calculations.
- 13) The developer will provide sidewalks along all internal streets upon which buildings front and along one side of all other internal streets.
- 14) The developer shall provide a continuous landscape buffer between the proposed homes and the existing single family homes from Buckhorn Road, in a clockwise direction, to a point approximately 250' south of the westernmost corner of the existing pond. The landscape buffer shall be at double the size and double the required planting rate required by the Type C buffer yard.
- 15) All street and other lighting shall be in harmony with the buildings constructed therein and shall be sufficient to provide adequate security for the inhabitants without disturbing adjoining property owners. Street lights shall be "lantern" type with light directed generally downward.
- 16) No building (excluding patios and decks) shall be built within 100' of the existing pond.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

(Signed) Florence F. Gatten

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Moving to the Consent Agenda, Councilmember Vaughan moved adoption of all items listed thereon. The motion was seconded by Councilmember Carmany; the Consent Agenda was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

22-02 RESOLUTION GRANTING ENCROACHMENT FOR AN EASEMENT UNDER THE STREETS RIGHTS-OF-WAY TO THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO AS FOLLOWS: ALONG BOTH SIDES OF WALKER STREET BETWEEN TATE STREET AND MCIVER STREET.

WHEREAS, the University of North Carolina at Greensboro has requested a right-of-way encroachment from the City for the underground installation of 340 linear feet of private ductile iron underground chilled water lines (supply and return) in order to serve the University of North Carolina at Greensboro;

WHEREAS, the University of North Carolina at Greensboro has agreed to indemnify and hold the City of Greensboro harmless from and against any and all liability, injuries to persons or property, and all damages and costs arising out of the installation maintenance and use of the underground chilled water lines;

WHEREAS, plans have been submitted to the City Utilities Coordinator for approval of the construction and installation of underground chilled water lines which would require boring under both sides of Walker Street as shown on the attached map;

WHEREAS, following installation of said underground chilled water lines, the University of North Carolina at Greensboro shall provide the necessary repair, if any, of the street in compliance with City standards;

WHEREAS, the University of North Carolina at Greensboro is a “governmental institution” and pursuant to North Carolina General Statute 160A-274 the right-of-way encroachment may be granted without consideration from UNCG to the City of Greensboro;

WHEREAS, in the opinion of the City Council, such encroachment for the installation of underground chilled water lines will neither cause a public nuisance nor unreasonably interfere with the use of the streets and sidewalks by the public.

NOW THEREFORE, IT BE RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That pursuant to Section 4.128(c) of the Charter of the City of Greensboro, and in accordance with the authority set forth in North Carolina General Statute section 160A-274, the City of Greensboro hereby grants a streets right-of way encroachment to the University of North Carolina at Greensboro in the above described streets right-of-way for the installation of 340 linear feet of private ductile iron underground chilled water lines in Walker Street as shown on the attached map, contingent upon the agreement of the University of North Carolina at Greensboro to indemnify and hold the City harmless from and against any and all liability, injuries to persons or property, and all damages and costs arising out of the installation, maintenance and use of the underground chilled water lines. The University of North Carolina at Greensboro shall prepare and submit to the City for review and signature an appropriate Right of Way Deed describing and conveying the encroachment to the University of North Carolina at Greensboro.

(Signed) Donald R. Vaughan

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02-19 ORDINANCE AMENDING STATE, FEDERAL, AND OTHER GRANTS FUND BUDGET FOR FY 2001-2002 ACTIVITIES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal, and Other Grants Fund of the City of Greensboro is hereby amended as follows:

That the appropriation for the State, Federal, and Other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-2253-01.5426	Contracted Demolition	<u>\$51,615</u>
Total		\$51,615

and, that this increase be financed by increasing the following State, Federal, and Other Grants Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-2253-01.7420	Mortgage Collections - Rehabilitation	\$8,435
220-2253-01.7421	Interest Collected – Rehab Mortgages	<u>\$43,180</u>
Total		\$51,615

(Signed) Donald R. Vaughan

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23-02 RESOLUTION AUTHORIZING INSTALLATION OF WATER LINE ALONG US 70 UNDER AGREEMENT BETWEEN CITY OF GREENSBORO AND GUILFORD COUNTY

WHEREAS, Guilford County has recently authorized the installation of a 24-inch water line along US 70 to serve Rock Creek Industrial Park, in accordance with the Consolidated Water and Sewer Agreement between the County and the City;

WHEREAS, the project will be privately financed by the owner with participation from Guilford County;

WHEREAS, in the opinion of the City Council, the best interest of the City will be served by the construction of the 24-inch water line in accordance with said agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the construction of the above mentioned 24-inch water line in accordance with the agreement between the City of Greensboro and Guilford County is hereby authorized; provided that there shall be no assessments levied.

(Signed) Donald R. Vaughan

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24-02 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING PURCHASE OF PROPERTY OF INTERCITY LEASING, INC. FOR THE RUCKER STREET IMPROVEMENTS

WHEREAS, in connection with the Rucker Street improvements project, the property owned by Intercity Leasing, Inc., Tax Map No. 301-1-2 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$31,700.00, which appraisal, in the opinion of the City Council, is fair and reasonable;

WHEREAS, the owner has agreed to convey said property to the City at the appraised price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appraisal of the above mentioned portion of property in the amount of \$31,700.00 is hereby approved, and the purchase of the property in accordance with the appraisal is hereby authorized, payment to be made from Account No. 402-4531-01.6012 CBR 007.

(Signed) Donald R. Vaughan

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25-02 RESOLUTION APPROVING AN INCREASE IN THE ORIGINAL LOAN AMOUNT TO COVER ADDITIONAL INTEREST COSTS FOR THE RICHARDSON VILLAGE APARTMENTS MULTI-FAMILY PROJECT

WHEREAS, the Department of Housing and Community Development has secured a Section 108 Loan to fund the L. Richardson Hospital and Richardson Village Apartments projects;

WHEREAS, on October 16, 2001, Council approved an increase of \$16,000.00 in the original loan due to a delay in the release of funds to cover interest carrying costs through October 31, 2001;

WHEREAS, the release of these funds is still delayed and has resulted in higher than anticipated additional interest carrying costs through January 31, 2002 in the amount of \$9,000.00 on the Richardson Village Apartments project, and the developer, consequently has again requested that this amount be added to the original loan;

WHEREAS, the additional funds will be paid out of this year's Section 108 loan repayment budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the City Council of the City of Greensboro hereby approves an increase of \$9,000.00 to the original Section 108 loan amount to cover additional interest for the Richardson Village Apartments Multi-Family project.

(Signed) Donald R. Vaughan

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26-02 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2001-61 WITH D.H. GRIFFIN WRECKING COMPANY FOR THE STEVECO PROPERTY DEMOLITION AND ABATEMENT PROJECT

WHEREAS, after due notice, bids have been received for the Steveco property demolition and abatement project;

WHEREAS, D. H. Griffin Wrecking Company, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$386,540.00 as general contractor for Contract No. 2001-61, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by D. H. Wrecking Company is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment in the amount of \$266,710.00 to be made from Account No. 509-7015-01.6013; in the amount of \$46,390.00 to be made from Account No. 445-4001-01.6013 and in the amount of \$73,440.00 to be made from Account No. 446-3501-01.6013.

(Signed) Donald R. Vaughan

(A tabulation of bids for the Steveco Property demolition and abatement project is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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Motion to approve minutes of regular meeting of December 18, 2001, canceled meeting of January 1, 2002, and regular meeting of January 15, 2002, was unanimously adopted.

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The Mayor declared a recess at 7:55 p.m.

The meeting reconvened at 8:07 p.m. with all members of Council present.

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Mayor Holliday introduced a resolution amending the loan agreement terms with St. James II, Inc. restructuring rent restrictions and noted the item was being continued from the 20 November 2001 meeting of Council.

The Manager advised that staff was asking that this item be deleted from the agenda at this time and noted this matter would be come back for council's consideration at a future date.

Councilmember Vaughan moved to delete the item from the agenda. The motion was seconded by Councilmember Perkins and adopted unanimously by voice vote of Council.

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Mayor Holliday introduced an ordinance rezoning from RM-26 Residential Multifamily to RS-7 Residential Single Family for property located north of West Friendly Avenue and south of Courtland Street between Adams Street and Prescott Street; he stated this was the Second Reading for this ordinance which had received five affirmative votes

at the regular meeting of January 15, 2002. The Mayor advised that this was not a public hearing and information would not be received from speakers.

Councilmember Phillips stated that he had moved adoption of this ordinance at the last meeting not thinking the item would pass after the defeat of the other Westerwood zoning item. He stated that it had been his intent, and he believed the intent of some other members of Council, that Council have a compromise rather than completely downzone the property to exclude pre-existing structures that were built as multifamily apartment buildings; Councilmember Phillips added that was what he wanted to see of this item and the other item defeated at the January 15 meeting. He stated that he would like to see Council vote this ordinance down and immediately make a motion for this item to be reheard/rescheduled for the March 5 Council meeting at which time he would propose an amendment to reduce the property. Councilmember Phillips also stated he would hope that someone on the prevailing side of Item #11 from the January 15 Council meeting, the RM 18 request further up in Westerwood, would bring that item up for reconsideration at the March 5 meeting.

After the City Attorney added that the reason for the request was that the neighborhood was traditionally of mixed uses and that was the character and nature of the neighborhood. Councilmember Phillips agreed and stated that multifamily apartment buildings were built for that purpose and had always been in the neighborhood.

Councilmember Perkins moved adoption of the ordinance as introduced by the Mayor. The motion was seconded by Councilmember Phillips; the ordinance was defeated on Second Reading on the following roll call vote: Ayes: None. Noes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. A copy of the ordinance as introduced and **DEFEATED** is filed in Exhibit Drawer N, Exhibit Number 32, which is hereby referred to and made a part of these minutes.)

As a member of the prevailing side, Councilmember Phillips thereupon moved that the just-defeated Ordinance rezoning from RM-26 Residential Multifamily to RS-7 Residential Single Family for property located north of West Friendly Avenue and south of Courtland Street between Adams Street and Prescott be reconsidered by Council at the regular March 5, 2002 meeting of Council. The motion was seconded by Councilmember Gatten and adopted on an 8-1 voice vote of Council, with Councilmember Carmany voting "no."

The Mayor stated that if Council wished to rehear/reconsider the second Westerwood rezoning item that a member of the prevailing side would have to make that motion. After stating that she had no concerns with Council reviewing both items, Councilmember Johnson moved that Item #11 as it appeared on the January 15, 2002 Council Agenda, an Ordinance rezoning from RM-18 Residential Multifamily to RS-7 Residential Single Family for property located east of Aycock Street and west of East Lake Drive between West Market Street and Northfield Street, which was defeated at that meeting, be reconsidered by Council at the regular March 5, 2002 meeting of Council. After Councilmember Phillips seconded the motion, the City Attorney advised that a member of the prevailing sign should also second the motion. The motion was thereupon seconded by Councilmember Jessup, a member of the prevailing side, and adopted on an 8-1 voice vote of Council, with Councilmember Carmany voting "no."

The Mayor requested that any motions offered by Council at the March 5 meeting with regard to the two rezoning items be presented in writing to avoid any confusion. Discussion was also held with regard to the time to be allotted to speakers at the March 5 public hearing for these items on March 5 because Council had already received citizens' comments/presentations with regard to the two rezoning issues. After additional discussion with Mr. Martin, it appeared to be the consensus of Council that the Westerwood Neighborhood historical district item should be scheduled for the March 5 meeting.

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Mayor Holliday introduced and read into the minutes a resolution recognizing and expressing appreciation to the Guilford County Legislative Delegation for its role in the 2001 Legislative Session.

After Council discussed various opinions and concerns with respect to the work of the Delegation, the length of the 2001 Session, the State's financial problems, the need for each member of Council to contact members of the Delegation regarding issues of importance to Greensboro, etc., Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll

call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

27-02 RESOLUTION RECOGNIZING AND EXPRESSING APPRECIATION TO THE GUILFORD COUNTY LEGISLATIVE DELEGATION FOR ITS ROLE IN THE 2001 LEGISLATIVE SESSION

WHEREAS, the Guilford County Legislative Delegation has recently completed the 2001 Legislative Session;

WHEREAS, the Delegation has been successful over the past several years in communicating the goals of the City and the state wide goals of the North Carolina League of Municipalities;

WHEREAS, through the Delegation's commitment and dedication, the passage of local and state wide bills which benefit City were accomplished in this Session as well as past Sessions;

WHEREAS, the Delegation is to be commended for its assistance in helping the City achieve the City Council's goals in the interest of its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the City Council hereby commends the Guilford County Legislative Delegation for its continued dedication and commitment in accomplishing the City goals during the 2001 Legislative Session as well as in past Sessions.

That the City Council hereby further expresses its gratitude to the Guilford County Legislative Delegation for its continuing objectives in the passage of local and state wide bills that serve the betterment of the citizens of the City of Greensboro.

(Signed) Yvonne J. Johnson

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The Mayor introduced a resolution approving the retrofitting and purchase of time and scoring system equipment at the Greensboro War Memorial Coliseum.

The City Manager reviewed the Coliseum Director's memo which explained the malfunctioning problems being experienced with the current time and scoring system within the Coliseum's scoreboard, special circumstances involving the need for the sole source purchase, and need to move forward with this project due to Coliseum commitments.

After brief discussion, Councilmember Perkins moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

28-02 RESOLUTION APPROVING THE RETROFITTING AND PURCHASE OF TIME AND SCORING SYSTEM EQUIPMENT AT THE GREENSBORO WAR MEMORIAL COLISEUM

WHEREAS, the current time and scoring system within the Greensboro Coliseum scoreboards are experiencing significant malfunctions and are in need of extensive retrofitting;

WHEREAS, the manufacturer of this equipment is no longer in business and the Coliseum must replace its arena timing and scoring systems;

WHEREAS, the Coliseum is committed to host the 50th Anniversary Atlantic Coast Men's Conference in 2003 and new 3-sided shot-clocks would be required prior to the tournament;

WHEREAS, the Coliseum currently utilizes Daktronics, Inc. for the time and scoring equipment in the Special Events Center and they have submitted a proposal to retro-fit the existing arena scoreboards with new time and scoring elements as well as provide the new 3-sided shot-clocks which work may be completed in May and June of 2002;

WHEREAS, the cost of the retrofit and shot-clocks is \$149,990.00 and the equipment would be compatible with all other current Coliseum time and scoring equipment;

WHEREAS, a sole source purchase from Daktronics, Inc. is being requested to ensure that standardization will facilitate timely repairs, and the schedule for retrofitting is met and is deemed to be the least costly for the Coliseum.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the sole source purchase of \$149,990.00 plus tax for the retrofit of the Coliseum time and scoring systems and the installation of the new shot-clocks required for the Atlantic Coast Conference is hereby approved.

(Signed) Robert V. Perkins

(A copy of the Director's memo is filed with the above resolution.)

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The Mayor introduced a resolution approving \$20,000 expenditure from Council Contingency Fund for the 2002 Piedmont Jazz Festival.

After brief Council discussion regarding this group's request in 2001 for a one-time contribution, the significant negative financial impact on Greensboro of the Governor's freezing of certain funds, etc., Councilmember Johnson moved to table the resolution to no specific date. The motion was seconded by Councilmember Vaughan; the motion was adopted on a 7-2 voice vote of the Council, with Councilmembers Gatten and Phillips voting "no".

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Councilmember Phillips spoke to the situation last year in which members of the Community Resource Board (CRB) had requested money from the City. He further added that one board member, Sam Pass, was currently a member of the CRB and continued to request City funds. Stating that he believed the Council should remove this conflict, Councilmember Phillips moved that Sam Pass be removed from the CRB.

Council discussed various thoughts and concerns with respect to this motion; i.e., the fact that these circumstances had existed with former CRB members, the desire of some members of Council to adopt a fair and consistent policy to address this concern with CRB members before taking action with respect to current board membership, the desire to be consistent and fair, the intent to appoint members to the CRB in the near future, etc.

Councilmember Phillips suggested Council consider the following motion: *"No one who is serving as a member of the CBR may submit an application for funds for an organization seeking funding from the CRB."* The motion was seconded by Councilmember Gatten; no vote was taken.

After further discussion regarding the policy in place which required CRB members to abstain when they had a conflict of interest and not enter into the lobbying of other board members, Councilmember Carmany suggested that Council might consider a policy as follows: *"No one serving on the Board of an organization or an employee of an organization may submit an application for funds for an organization seeking funding from the CRB."*

After additional discussion, it appeared to be the consensus of Council to instruct the City Attorney to draft a policy for Council's consideration that reflects the following intent of Council: *No one may serve as a member of the Community Resource Board (CRB) who serves on the Board of Directors, is an employee of any agency, or is affiliated in any way with an agency who seeks funds from the CRB.* The City Attorney advised she would bring a recommendation for Council's consideration.

Council also requested that the work of the CRB be completed well in advance of Council's consideration of the City's budget so this small portion of the budget would not dominate the process as it had in the past.

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After Councilmember Phillips expressed concerns and Council discussed with staff the Round-About at Lake Jeanette and round-abouts in general, the Manager advised that this matter would be placed on the March 26 briefing. Councilmember Perkins requested that Council receive information about the Round-About prior to that meeting.

Speaking to the City Attorney's ruling regarding the conduct of public hearings, Councilmember Phillips requested that in the interest of expediting Council meetings, Council refrain from taking time to move to close public hearings when no speakers were present.

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Councilmember Gatten added the name of Reid Phillips to the boards and commissions data bank for consideration for future service on the Community Resource Board. She advised that she intended to appoint him to that Board on February 19.

Councilmember Gatten spoke to the upcoming 100th birthday celebration for the Greensboro Library and provided a brief overview of the Library's history and significant accomplishments. Other members of Council also spoke to this historic event.

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Councilmember Burroughs-White commended and expressed appreciation on behalf of Greensboro citizens to Butch Simmons, Interim Director of Engineering and Inspections Department and his Staff for undertaking the inspections sweep to confirm problems with certain buildings that were not meeting fire and building codes and for taking appropriate legal action. The City Manager thanked Mr. Simmons and his organization for their efforts to attack these problems.

Expressing sympathies to the family, Councilmember Burroughs-White requested the City Attorney to prepare a resolution to honor the memory of Emily Smith for Council's consideration at the February 19 Council meeting.

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Councilmember Johnson also expressed sympathy to the family of Linda Jones and requested the City Attorney to prepare a resolution to honor her memory for Council's consideration at the February 19 Council meeting.

Councilmember Johnson moved to appoint Timothy F. Bryson to serve a term on the Planning Board in the position formerly held by Rhodes Corbett; this term will expire 15 August 04. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

Councilmember Johnson moved that Hector E. Saavedra be appointed to serve a term on the Human Relations Commission in the position formerly held by Dianne Munden; this term will expire 15 August 04. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

Councilmember Johnson presented to Council an update with respect to Hope VI, provided a brief review of the information and stated an update would be presented at the February Council briefing.

Councilmember Perkins spoke to the desire to ensure that strong consideration was given to Greensboro's non-profit organizations in the building of the single family components in the Hope VI project.

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Speaking to Council's goals in the past with respect to drug prevention, Councilmember Vaughan spoke to the Drug Court's problems in securing appropriate space and suggested that the Council Chamber might be used for this

purpose. After Council discussed various opinions and concerns with respect to this matter, Councilmember Vaughan requested the Manager to explore the feasibility of allowing the City Council Chamber to be used for this purpose and provide information to Council.

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Councilmember Jessup added the names of Marietta Gaines and Don Scales to the boards and commissions data bank for consideration for service.

Mr. Simmons and Dan Curry, Housing and Community Development Department, addressed concerns with respect to the condition of certain properties mentioned by Councilmember Jessup; i.e., behind the Southgate Inn (I-40 and I-85), the house in the 500 block of East Florida Street at Martin Luther King, Jr. Drive, and 1719 Oxford Street at the corner of Martin Luther King, Jr. Drive.

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Councilmember Carmany spoke to a request by a Koury Corporation representative for City staff to determine if the reversible lanes on High Point Road near the Coliseum were still effective/needed. The Manager advised staff would look at traffic patterns and other factors, including the cost associated with any type of change to the existing setup, and provide information to Council.

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Councilmember Perkins moved that Gaye Galyon be reappointed to serve a term on the Bryan Park Golf Commission; this term will expire 1 February 05. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

Councilmember Perkins moved that William Watson be reappointed to serve a term on the Bryan Park Golf Commission; this term will expire 1 February 05. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council. (Note: Mr. Watson notified the City Clerk's Office after this meeting to advise he did not wish to be reappointed.)

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Councilmember Carmany moved that Robert W. Mays be reappointed to serve a term on the Firemen's Relief Fund Board; this term will expire 1 January 04. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council.

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Mayor Holliday added the name of Frank Auman to the boards and commissions data bank for consideration for future service on the Human Relations Commission.

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The Mayor advised that staff working with GCTV had recommended the appointment of Mark Rosenberg to that Board; he advised that staff working with the Commission on the Status of Women had recommended the appointment of Karlan H. Barker to the Commission. He requested that the City Clerk provide to Council copies of resumes of these individuals so these individuals could be appointed at the February 19 meeting of Council.

The Mayor and various members of Council spoke to various issues and events of interest to the community.

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Councilmember Jessup moved that the City Council adjourn. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 9:15 P.M.

JUANITA F. COOPER
CITY CLERK

KEITH A. HOLLIDAY
MAYOR
